IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 359 of 2006

Between:

Kavali Pochamma

..... PETITIONER

AND

The Regional Joint Commissioner,

Multi Zone-III, Endowments Department,

Boggulakunta, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments.

It is stated that the land to an extent of Ac.3.09 cents in Sy.No.148, situated at Kompalli village, Qutubullarpur Mandal, Ranga Reddy District, belonging to the 3rd respondent temple, was leased out originally in favour of the petitioner's husband and after the death of the petitioner's husband, the petitioner is continuing as a lessee of the said temple land, and in pursuance of the provisions of Section 82 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987, all leases stand cancelled automatically. It is further stated that the petitioner filed an application before the 2nd respondent to declare her as landless poor and the said application has been considered and rejected by the 2nd respondent/Asst.Commissioner of Endowments, Ranga Reddy District, vide his proceedings in Rc.No.C/2440/98, dated 27.10.2005, holding that the petitioner has not fulfilled the conditions, entitling her to declare as landless poor. As against the said proceedings, the petitioner filed a Revision Petition No.24/2005 before the Joint Commissioner, Endowments Department, M.Z.III, Hyderabad i.e. 1st respondent herein. However, the revisional authority dismissed the revision, holding that as against the said order of the 2nd respondent, only appeal lies within thirty days from the date of the order under Rule 3 of G.O.Ms.No.379, dated 11.03.2003, but revision is not maintainable. Accordingly, the revision is dismissed.

It is stated that the petitioner, during the pendency of the revision, though made a request to grant leave to file an appeal, the leave was not considered and revision was dismissed.

Having regard to the facts and circumstances of the case, the petitioner is permitted to convert the revision into that of an appeal by fulfilling the regular formalities for filing a regular appeal within 10 days from the date of receipt of a copy of this order, and on filing such appeal by way of conversion, the 1st respondent/appellate

authority, without taking any objection with regard to limitation, may take the appeal on file, consider and dispose of the same, in accordance with law, after giving a reasonable opportunity to the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 05.01.2006

Dsr